

## MEMORANDUM

Agenda Item No. 11(A)(9)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

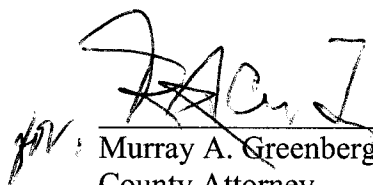
**DATE:** May 9, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution approving an  
Interlocal Agreement with  
Cutler Bay for advance

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.

  
\_\_\_\_\_  
Murray A. Greenberg  
County Attorney

MAG/bw



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** May 9, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(9)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(9)  
5-9-06

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING THE EXECUTION OF THE SECOND INTERLOCAL AGREEMENT WITH THE CITY OF CUTLER BAY; AUTHORIZING THE COUNTY TO PROVIDE AN ADVANCE PAYMENT OF \$600,000.00 TO THE TOWN OF CUTLER BAY FROM UTILITY TAXES AND OTHER FUNDS COLLECTED ON BEHALF OF CUTLER BAY SUBJECT TO THE TERMS OF THE ATTACHED INTERLOCAL AGREEMENT

**WHEREAS**, the Town of Cutler Bay (the "Town") is requesting an advance of \$600,000.00 of utility tax collections and other funds collected by the County on behalf of the Town; and

**WHEREAS**, the Town agrees that it shall repay the County any amounts not collected by the County on behalf of the Town, in accordance with the terms set forth in the attached Interlocal Agreement; and

**WHEREAS**, the Town has expressed its need to have immediate access to available funds in order to continue necessary staffing for the provision of municipal services to its residents; and

**WHEREAS**, the Town Council has formally requested that the County advance the requested funds to the Town pursuant to Town Resolution No. 06-37, which is attached hereto as Attachment 1 and incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA** that this Board approves the Second Interlocal Agreement between the Town of Cutler Bay and the County in substantially the form attached hereto, as Attachment 2.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and offered by  
Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by  
Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 9th day  
of May, 2006. This Resolution and contract, if not vetoed, shall become effective in accordance  
with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Cynthia Johnson-Stacks

RESOLUTIONS NO. 06-37

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA RELATING TO FINANCE; REQUESTING FUNDING FROM MIAMI-DADE COUNTY IN THE AMOUNT OF \$600,000; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council ("Council") of the Town of Cutler Bay, Florida ("Town") was sworn in and seated on February 2, 2006; and

WHEREAS, the Town Council previously requested and received from Miami Dade County ("County") an advance of \$300,000 from revenues collected by the County on behalf of the Town, and the Town now requires additional funding for the continuation of municipal government and the provision of municipal services; and

WHEREAS, the Mayor and Town Council request the County Commission of Miami-Dade County to release an additional \$600,000 to the Town from revenue to be collected by the County on behalf of the Town,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

**Section 1. Recitals.** The recitals above are true and correct and incorporated into this resolution.

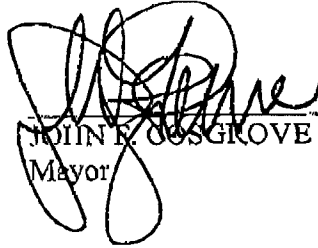
**Section 2. Release of Revenue.** The Town requests that Miami Dade County release to the Town the amount of \$600,000 from revenue to be collected by the County on behalf of the Town and to provide said funds to the Town within seven days after approval by the County Commission. The Town will use the funds for the continuation of municipal government and initial municipal services. The Town shall maintain detailed records of all expenditures of the funds.

**Section 3. Town Mayor Authorization.** The Town Mayor is authorized to execute an interlocal agreement with Miami-Dade County as to these funds.

**Section 4. Effective Date.** This resolution shall take effect immediately upon approval.

PASSED and ENACTED this 6<sup>th</sup> day of April, 2006.

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JOHN F. COSGROVE  
Mayor

Attest:   
ELIZABETH SEWELL  
Interim Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

  
WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.A.  
Interim Town Attorney

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FINAL VOTE AT ADOPTION:

Mayor John F. Cosgrove	<u>Yes</u>
Vice Mayor Paul Vrooman	<u>Yes</u>
Council Member Timothy J. Meerbott	<u>Yes</u>
Council Member Ernest Sochin	<u>Yes</u>
Council Member Peggy Bell	<u>Yes</u>

**SECOND INTERLOCAL AGREEMENT BETWEEN  
MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY  
FOR A SIX HUNDRED THOUSAND (\$600,000) ADVANCE**

**THIS SECOND INTERLOCAL AGREEMENT** (the "Agreement") is entered into between Miami-Dade County, a political subdivision of the State of Florida (the "County") and the Town of Cutler Bay (the "Town") a municipal corporation of the State of Florida, this \_\_\_ day of \_\_\_, 2006.

**WHEREAS**, on November 8, 2005, a charter for the Town of Cutler Bay was approved by its residents and the Town council was sworn into office on February, 2, 2006; and

**WHEREAS**, the Town council by Resolution No. \_\_\_\_\_ has requested assistance from the County for the advance of funds to be utilized by the Town for the initiation and start-up of its municipal government and the performance of initial municipal services; and

**WHEREAS**, the County will collect certain revenues on behalf of the Town and desires to provide the assistance requested,

**NOW, THEREFORE**, the parties agree as follows:

**Section 1. Funding Assistance.** Within seven (7) days after the date of execution of this Agreement, the County shall provide the Town with an advancement of ~~anticipated utility tax revenues which have been or will be collected by the County on~~ behalf of the Town in the amount of \$600,000 to be utilized by the Town for the purposes set forth in Section 2 of this Agreement. Any repayment of the funds advanced shall be subject to the provisions set forth in Section 3 of this Agreement.

**Section 2. Use of Advanced Funds.** The Town agrees that the funds advanced to the Town shall be used by the Town for the initiation and start-up of the municipal government and the performance of initial municipal services.

**Section 3. Repayment.** The Town acknowledges that current estimates of Town revenues collected by the County on behalf of the Town, including utility taxes, indicate that there may not be sufficient revenues collected after payment for services rendered by the County to offset the amount of the advance given pursuant to this Agreement, as well as the prior advance in the amount of \$300,000. In that event, the Town agrees to repay the County for such amounts as the County determines to be owed for these advances. This amount to be repaid shall be repaid to the County no later than September 30, 2008, unless the County Manager, in his or her discretion, agrees to payment at a later date. If payment is not received as required by this Agreement, then interest equivalent to that which the County earns on its pooled investments as of September 30, 2008 shall be imposed beginning September 30, 2008

or such later date if the County Manager extends the payment date, pursuant to the provisions of this agreement.

**Section 4. Records.** The Town shall produce and maintain records, such as vouchers, bills, invoices and receipts sufficient to reflect properly all receipts and expenditures of funds provided under this Agreement.

**Section 5. Effective Date.** This Agreement shall be effective immediately upon execution by both parties hereto.

**IN WITNESS WHEREOF,** THE PARTIES HAVE CAUSED THIS agreement to be executed on their behalf and of the date first above written.

**TOWN OF CUTLER BAY,**  
a municipal corporation

By: \_\_\_\_\_  
John Cosgrove, Mayor

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

By: \_\_\_\_\_  
Town Attorney

**MIAMI-DADE COUNTY**  
a political subdivision of the State of  
Florida

By its Board of County Commissioners:

By: \_\_\_\_\_  
County Manager

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

By: \_\_\_\_\_  
County Attorney